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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK (BROOKLYN)

LETICIA FRANCINE STIDHUM,

Plaintiff,

v.

HILLSIDE AUTO AVE, LLC et al,

Defendants.

Case No. 1:21-cv-07163-HG-LB

Brooklyn, New York
February 1, 2023
3:34 p.m.

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

Tiffany Troy, Esq.
Troy Legal, PLLC
41-25 Kissena Blvd, #1A
Flushing, NY 11355

For the Defendants:

Emanuel Kataev, Esq.
Milman Labuda Law Group PLLC
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Lake Success, NY 11042

Clerk:

E.W.

Court Recorder:

Electronic Sound Recording

Transcription Service:

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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 (Call to order at 3:34 p.m.)

2 THE CLERK: Civil cause for a status conference,
3 Stidhum against 161-10 Hillside Auto Avenue, LLC, et al., case
4 number 21-CV-7163. Will the parties please state their names
5 for the record?

6 MS. TROY: Good afternoon, Your Honor, this is
7 Tiffany --

8 THE COURT: Stand please when you address the Court?

9 MS. TROY: Sure. Good afternoon, Your Honor. This
10 is Tiffany Troy, Troy Law, PLLC, representing Plaintiff Leticia
11 Stidhum.

12 MR. KATAEV: Good afternoon, Your Honor, Emanuel
13 Kataev of Milman Labuda Law Group, PLLC for the Defendants.

14 THE CLERK: The Honorable Lois Bloom presiding.

15 THE COURT: Good afternoon, Ms. Troy and Mr. Kataev.
16 And when you stand to address the Court, you don't need to bend
17 over. The mics are very sensitive. They'll pick you up.

18 This is a status conference in Plaintiff's pregnancy
19 discrimination case that's been brought pursuant to Title 7. I
20 inherited this jewel of a matter from Judge Mann.

21 And I've been told that from the very beginning, the
22 parties have not been able to get along. And that was proven
23 with no effort on my part because while I was conferencing the
24 prior matter, counsel on this case stepped to the vestibule of
25 my courtroom and proceeded to start fighting in voices raised

1 that disrupted my court proceeding. I've already had them
2 apologize, but again, that is not appropriate behavior. And I
3 will not accept that kind of behavior.

4 So I've gone through what's at issue here. I see
5 it's a third motion to compel. I get it that nobody could
6 agree to dates.

7 Ms. Troy tried to get her client's things scheduled.
8 You tried to get your things scheduled, Mr. Kataev. I'm here
9 to schedule it. Get your books out, I'm not going to fool
10 around. I don't want to hear anything about this again. This
11 is baby stuff.

12 And again, both sides have a part in it. I doubt
13 that there's going to be a late appeal under 1292 certified.
14 So you're going forward here.

15 And I would suggest one thing to both sides. This
16 woman was hired on May 18th. She worked until she told her
17 boss she was pregnant on November 23rd, 2018. And she resigned
18 her position on January 14th, 2019.

19 We're talking about a short tenure here. And as much
20 as you both think that you're in the right with everything
21 that's going on, you could solve this if you put your heads
22 together and tried to come up with some consent resolution.

23 This is a car auto dealership. Even if you're right,
24 Ms. Troy, the case likely will go on for at least another year,
25 maybe longer.

1 So longer than the person was employed, longer than
2 she was pregnant. Hopefully she had a healthy baby. And she
3 wants to get something out of this.

4 Defendant on their side think that this is a big
5 winning argument that there's no adverse action. And maybe
6 they're right and maybe they're wrong. And they're not going
7 to get an immediate appeal. I think the likelihood of that is
8 slim to none.

9 But even if they were able to, that's their issue on
10 appeal? I mean, really. Your client's going to be paying for
11 your services to take an appeal to the 2nd Circuit on an
12 interlocutory issue that's not very well developed?

13 This is craziness. And that both sides are not
14 getting along is adding to the craziness because here I am
15 inheriting this.

16 And we're at number 40 -- well, no, that's the old
17 docket sheet. I think we're beyond 44 items on the agenda now.
18 No, we're at 44.

19 MR. KATAEV: 46, Your Honor.

20 THE COURT: 46, sorry, yes, I was looking at the last
21 docket sheet. So we're at 46 and we haven't even said go yet.
22 I mean, yes, there's a complaint, there's an answer, but there
23 was a motion and the motion was denied.

24 So how about being reasonable here and putting out a
25 demand that they could consider, Ms. Troy?

1 MS. TROY: Yes, Your Honor. I understand your
2 position. We sent out the damage calculations per Mr. Kataev's
3 request.

4 THE COURT: So tell me what that damage calculation
5 was?

6 MS. TROY: I'm going to pull it up.

7 MR. KATAEV: I could tell you, Your Honor.

8 THE COURT: It's okay. Let her. Thank you.

9 MR. KATAEV: Sure.

10 MS. TROY: And I do apologize, Your Honor. I was
11 really upset because Mr. Kataev said Judge Bloom does not like
12 your firm.

13 THE COURT: Look, Ms. Troy, I've seen you once
14 before. And you had just graduated. And you were very proud
15 of your dad. And you said that he's such a genius and that's
16 why he has so many clients. That's what I remember about
17 meeting you before. You probably don't remember that. You
18 were a grand new graduate of Fordham Law School and brimming
19 with pride.

20 MS. TROY: Yes, Your Honor, so that's why the ad
21 hominem attacks against my father's firm is not entirely called
22 for. I apologize, Your Honor. And that's why I was upset.

23 THE COURT: Okay, Ms. Troy, there are tissues on the
24 table. Get yourself together. And I understand that it's your
25 father's firm, but I will also tell you I didn't say anything

1 to you.

2 And if he's saying things to you, you should know
3 that you've got to be, you know, steel yourself. You're
4 representing a client. It's not about your father. It's about
5 the client, okay?

6 MS. TROY: We requested for \$2.1 million, Your Honor.

7 THE COURT: And how did you get there?

8 MS. TROY: We cited to the case --

9 THE COURT: No, I'm not talking cases. Let's look at
10 what her compensation scheme was. What was her best month?

11 Because you're saying that until she informed her
12 boss that she was pregnant, she was killing it at this place.
13 She was just selling, selling, selling. So what was her best
14 month from May until she told them she was pregnant in
15 November?

16 MS. TROY: \$1,900.

17 THE COURT: So she made \$1,900 on her best month as a
18 car salesman there?

19 MS. TROY: Yes, Your Honor.

20 THE COURT: So how do we get to 2.1, Ms. Troy?
21 That's quite a leap there.

22 MS. TROY: We have the economic damages, but what we
23 find that most of the \$2.1 million has to do with the punitive
24 damages. And that's because prior to Ms. Stidhum, there was
25 another pregnant worker, who was also fired.

1 THE COURT: Do you represent that person?

2 MR. KATAEV: No, we do not.

3 THE COURT: Okay.

4 MS. TROY: Who was also fired from Hillside Auto.

5 THE COURT: So there's going to be a mini trial
6 within this trial about whether or not this other pregnant
7 person that you don't represent was fired?

8 MS. TROY: It's a fact that she was fired and it was
9 a fact that she was pregnant that we need to prove it with the
10 documents obviously as --

11 THE COURT: Again, I'm not sure about any of that
12 being proof of anything for a punitive damage award under Title
13 VII.

14 I'm trying to be real with you, okay? This woman
15 worked for a short period of time. It might be a very, very
16 welcome gesture for you to have a conversation with your client
17 about, okay, your best month there was 1,900. I understand
18 this was terrible. They forced you out. That's what you're
19 alleging because she was resigned, right?

20 MS. TROY: Right.

21 THE COURT: So you can say to her I really want to
22 help. Help me come up with a number, and then, you could pad
23 that number to start negotiations.

24 But starting with 2.1 million is -- I'm being real
25 with you. That's out of the ballpark. That's what a pro se

1 litigant says they want. That's not in -- the basis has to be
2 in the facts of the case.

3 It can't be what you hope for. It can't be a
4 speculative amount. You have to have some idea. So when
5 you're calculating it, and you look at other cases, that's not
6 the facts of your case.

7 This woman was hired in May. She worked until
8 January. I understand nobody should be fired because they tell
9 their boss they're pregnant. Believe me, I believe in the law.
10 I do.

11 But you have a client here. And the client resigned
12 their job in their January. So there's constructive discharge
13 you have to prove. We got a lot of hoops to jump through here,
14 Ms. Troy.

15 MS. TROY: Yes, Your Honor.

16 THE COURT: I'm not trying to disparage your client.
17 I'm trying to get you to go to your client so that you make a
18 demand that they could respond to because I'll push them.
19 They're not going to respond to 2.1 million, Ms. Troy. That's
20 what's happened.

21 And believe me, I'm not going to just let them go.
22 We're going to schedule all the depositions, all of that today.

23 I'm just trying to say that there are certain things
24 that are just nonstarters. A \$2.1 million award when her best
25 month on the job was \$1,900. It's not just not going to work.

1 If she had that best month every month, right?

2 MS. TROY: Yes.

3 THE COURT: She would have made \$25,000 in a year.
4 So even if you said four times that, we're still at \$100,000.
5 We're not at \$2.1 million.

6 Now I understand she must have been very emotionally
7 upset at all these circumstances or she wouldn't have ended up
8 at your firm, but your job is to represent her interests.

9 And again, not getting along with Mr. Kataev, not you
10 know, not being able to schedule simple discovery in this case,
11 it doesn't bode well for either of you.

12 MS. TROY: Yes, Your Honor, I would just note that
13 the January 10 deposition was scheduled.

14 THE COURT: He said he got sick.

15 MS. TROY: Right.

16 THE COURT: And so, again, he got sick. He can't do
17 a deposition when he's sick.

18 MS. TROY: I understand that.

19 THE COURT: So both of you need to take a step back
20 and reel it back in here, because you have taken the front and
21 center in the case instead of your clients being front and
22 center.

23 And, again, you want to be the best attorney for your
24 clients that you can be. And you want to get the best result
25 you can.

1 And I can tell you having battles over B.S. with the
2 other side is not going to make that happen. And even though
3 you had Judge Mann rule in your favor on a number of occasions,
4 here we are again. This is not the way to go. This doesn't
5 advance your client's interests, okay?

6 MS. TROY: Yes, Your Honor. I would also just --

7 THE COURT: I'm not trying to beat you down. I'm
8 trying to tell you because again, I deal a lot with Mr.
9 Schweitzer. And I've seen him grow up over the years.

10 I want you to grow up, too, right? It's not about
11 your dad. It's not about you. You're taking on a client's
12 case. It's about your client and getting --

13 MS. TROY: I --

14 THE COURT: -- her the best possible result that you
15 can get her.

16 MS. TROY: I understand, Your Honor, but Mr. Kataev
17 has not even complied with the Court's order for him to provide
18 the --

19 THE COURT: We'll deal with that, okay? But I am
20 saying that the two of you can't even get simple things done
21 now. It's not going to be my problem.

22 MS. TROY: I understand.

23 THE COURT: I'm telling you inherited all these cases
24 from Judge Mann. And this had a long memo attached to it about
25 how the two of you can not agree on, you know, what the date

1 is. You can't get anything done that way. It's impossible.
2 You got to knock it off.

3 And if you raised your voice or said anything about
4 her father, you owe her, not right now, but you owe her an
5 apology. That's very unprofessional.

6 You've got to treat her with respect in order for her
7 to treat you with respect. And it doesn't start out of the
8 blue. So if you did something wrong, both of you have to just
9 get past it because this is not going to be my job.

10 You saw that I'm pretty patient with people who don't
11 have attorneys. I am not patient with lawyers. I'm doing this
12 today. That's it.

13 I'm letting you know I'm not going to do this in the
14 future, okay. So we have we have a bunch of things we have to
15 cover about deposition dates.

16 MR. KATAEV: Your Honor?

17 THE COURT: Yes?

18 MR. KATAEV: Before we start the depositions, may I
19 just address the settlement aspect of things?

20 THE COURT: Yes.

21 MR. KATAEV: This case was originally filed in I
22 believe 2019 in July I believe if I'm not mistaken. At the
23 time, Mr. Schweitzer was working on the case. I had asked him
24 for a settlement demand. I never received one.

25 I made a motion to dismiss for failure to exhaust

1 administrative remedies for the sole purpose of bringing this
2 case back to the EEOC for a mandatory mediation.

3 Despite the fact that I was successful in obtaining
4 that order of dismissal and brought it back it before the EEOC,
5 the EEOC for whatever reason refused to have a mediation. So
6 all my work was for nothing because the other side wouldn't
7 even give me a demand despite repeated requests for a demand.

8 Enter the 2nd Circuit case over that decision, which
9 was denied as moot, which my client has to oppose, we now have
10 this case, which was filed on the 90th final day after the
11 subsequent EEOC right to sue notice.

12 I made a motion to dismiss. We respectfully
13 submitted and had a colorable basis. Unfortunately, it was
14 denied.

15 We made a motion to Judge Mann under Rule 1 and Rule
16 16 requiring the Plaintiff's lawyer with the Plaintiff to
17 appear here in Court for a settlement conference because we
18 believe that the tail is wagging the dog here and that the
19 Plaintiff had no idea what was going on with her case.

20 We held a conference. There was a mediator's
21 proposal of \$45,000. I can't say who accepted and who didn't
22 based on the way mediators' proposals work.

23 But what I can say is the case did not settle. And
24 the same issues that you've raised about this ridiculous \$2
25 million demand for a 9-month employee who started working at a

1 dealership immediately after she left this dealership. She's
2 working somewhere now.

3 THE COURT: Keep your voice down.

4 MR. KATAEV: Sorry, I'm just very frustrated.

5 THE COURT: Keep yourself under control. I
6 understand, but that is not serving your client's interests.

7 MR. KATAEV: The bottom line is this case is not
8 worth 2 million. It's not worth 1 million. It's worth
9 somewhere between 0 to potentially \$100,000 jut based on the
10 fact of the litigation costs involved.

11 And we need to get the case there in order to try and
12 resolve it. We haven't been successful with --

13 THE COURT: So why would you think if it didn't
14 resolve in front of Judge Mann when she made a mediator's
15 proposal, that it's going to revolve by you give me this whole
16 background if I call the parties in?

17 MR. KATAEV: I'm raising these issues because --

18 THE COURT: Did Ms. Stidhum come to the conference
19 before Judge Mann?

20 MR. KATAEV: She did.

21 THE COURT: So when you had the theory that it was
22 the tail wagging the dog, she was there. So she heard that she
23 was offered some money.

24 MR. KATAEV: That's correct. I'm raising it before
25 this Court because I want the Court to know the Defendants have

1 not made attempts but strides and leaps and try get this case
2 resolved.

3 And it's been met with this -- with everything that
4 we discussed with this firm with blinders on. No, and we're
5 not giving you a reason why. We will tell the Court we're not
6 going to tell you, defeating the whole purpose of a meet and
7 confer.

8 Outside, we're talking about a different case
9 irrelevant for purposes here, but the same scenario. You say,
10 hey, this is what we want, this is the reason why.

11 I actually started off the conversation very nicely.
12 I said how are you? I'd like to have a better relationship
13 with you and your firm. Let's try to make this work. Denial,
14 resistance, side stepping, pivoting, anything to avoid.

15 THE COURT: Okay, okay, I get what the issue is. And
16 you know, what I was going to say is you both have your
17 different crosses to bear here. I knew Mr. Labuda before he
18 started his law firm when he worked for other people.

19 MR. KATAEV: And he says hello, by the way. He asked
20 me to say that.

21 THE COURT: And, again, I am saying they find the
22 firm does a reasonable job for Defendants who are expecting you
23 to solve their problem.

24 This is a problem for your client. This is not a
25 huge business. And they're probably okay today because

1 everybody wanted a car during the pandemic, but this is a
2 problem.

3 And if Ms. Stidhum already got another job soon after
4 she left this job, I don't understand what your theory of
5 damages of is going to be here?

6 MR. KATAEV: May I address that briefly?

7 THE COURT: No, I'm asking Ms. Troy.

8 MS. TROY: Yes, Your Honor, we --

9 THE COURT: You'll stand when you speak.

10 MS. TROY: We did look at comparable cases and the
11 basis of the 2 million was based on case law based on --

12 THE COURT: I'm telling you you're way, way out. And
13 again, you're so far out, that I can't even give credence to
14 you looking at comparable cases to say this is a 2.1 million.

15 She worked there from May. She resigned her job in
16 January. Even if they did everything that you say that they
17 did, to say it's a \$2 million case, it just is not based in
18 reality.

19 It's like state court where people always ask for \$2
20 million for no particular reason. And you're not in state
21 court. You're in federal court. And credibility is
22 everything.

23 So, in this case, you asked for 2 million. And then,
24 the next case, you have to ask for the same amount because you
25 asked for 2 million in this case?

1 I mean, it has no basis in fact. Judge Mann is
2 somebody I hold in very high esteem. Were you there for that
3 settlement conference?

4 MS. TROY: I was there for that settlement
5 conference, yes, Your Honor.

6 THE COURT: So why was your client not interested in
7 settling the case at that time?

8 MS. TROY: We believe that the -- we rejected the
9 proposal at that time. We believed we could get more.

10 THE COURT: And that's what you told your client?

11 MS. TROY: That's what we believed in.

12 THE COURT: That's what you told your client? Your
13 client doesn't know. She was coming to you for legal advice.
14 She works at a car dealership. You told your client she could
15 do better, so she should roll the dice and keep the case going.

16 MS. TROY: That's not what we said, but she
17 ultimately rejected.

18 THE COURT: But you told her 2.1 million is
19 reasonable?

20 MS. TROY: We told her the initial demand is 2.1.
21 We're willing to come down, if they're willing to come up. I
22 don't think it came --

23 THE COURT: But it's not a million dollar case, Ms.
24 Troy. I'm sorry to break it to you, this is not a million
25 dollar case.

1 MS. TROY: I understand Your Honor's position. And
2 we do handle other employment discrimination cases in the past.
3 And for instance in the Southern District where the judge
4 recommended 7,500, we were able to settle for 1,000 times that
5 amount, \$750,000.

6 So what I'm trying to say is that the mediator's
7 proposal doesn't necessarily isn't necessarily the end game in
8 terms of how much we are entitled to.

9 THE COURT: Oh, you're like the commercials on TV,
10 where they say the insurance companies said they could get me X
11 and I got 12 times X because I went to whatever the firm is.
12 That's you're telling me? That -- the judge is wrong. It's
13 not a \$45,000 case. It's a whatever?

14 MS. TROY: That's what we believe in.

15 THE COURT: Okay, well, then let's sit down and get
16 dates for the depositions.

17 MR. KATAEV: Just two final points?

18 THE COURT: Yes.

19 MR. KATAEV: I just want to point out that the
20 damages are tripartite. \$2 million punitive without any
21 calculation or explanation, 100,000 in compensatory without any
22 calculation or explanation what that means.

23 And then, there's a differential. This is what she
24 made at the dealership when she worked there. This is what
25 she's now making. It's a difference of about I think four

1 weeks or six weeks. You multiply there, you get some nominal
2 number that's below \$10,000. That's the damages in this case.
3 I can't make heads or tails of it.

4 THE COURT: Okay, Mr. Kataev, you've made your point,
5 but you know what? They're not settling the case on that. You
6 need to blow them away by doing discovery and getting proof.

7 MR. KATAEV: Okay, final thing is unrelated to
8 settlement of damages, I want to extend an olive branch in open
9 court to the Plaintiff by offering to withdraw the
10 interlocutory appeal in exchange for Plaintiff withdrawing the
11 motion for sanctions in the 2nd Circuit.

12 And if the Plaintiff could consider that after court,
13 she can let me know her decision. I'm putting that on the
14 table to try and make peace between the firms.

15 THE COURT: You'll get back to Mr. Kataev about that,
16 okay?

17 MS. TROY: Yes, Your Honor. I would just like to
18 note that before we filed the motion, we did inform Mr. Kataev
19 of our intention to file the motion to dismiss based on lack of
20 appellate jurisdiction. He asked us, you know, on what basis
21 of the motion to sanction and their motion to dismiss.

22 THE COURT: You hear that old saying about throwing
23 stones at glass houses? I think that Judge Mann used that in
24 an opinion.

25 I would just say that's all that I would want to

1 quote to you. And you should consider what Mr. Kataev is
2 saying as an olive branch.

3 It may not be what you really think is an olive
4 branch, but again, it's your client case. And sanction motions
5 and motions for appeals that shouldn't be made, all of that is
6 just gumming up the works in the Court. And you can figure out
7 whether or not that's really necessary, okay?

8 So now let's go back. Ms. Troy wrote to the Court,
9 it's the January 16th, Document 43, saying that they -- that
10 you were supposed to supplement responses and that you didn't
11 do that. So that's the first thing. Where are the responses?

12 MR. KATAEV: Your Honor, I spoke to the clients in
13 advance of the deadline. I obtained the answers to everything.
14 The only thing left on my part besides giving everything to the
15 Plaintiff is I have to get all of them signed for the
16 verifications. I just got jammed up with work and being sick
17 and I couldn't get to it on time. I asked for a reasonable
18 extension up until the 14th to get it to the other side.

19 THE COURT: Up until the 14th of February?

20 MR. KATAEV: Yes.

21 THE COURT: We're at the 1st today?

22 MR. KATAEV: Yes.

23 THE COURT: All you need to do is get signatures?

24 MR. KATAEV: I have a deposition tomorrow all day and
25 Friday.

1 THE COURT: Okay.

2 MR. KATAEV: I have other deadlines. I'm going
3 to --

4 THE COURT: Okay. But again, this would be a
5 priority since you're already behind the 8-ball and you're with
6 a new judge who you want to impress with how you're trying to
7 take care of business.

8 So I get what you're saying. You're busy tomorrow
9 and you're busy Friday, but if I give you to the 10th, that
10 should be sufficient.

11 MR. KATAEV: That's acceptable, Your Honor.

12 THE COURT: It's generous, it's not just acceptable.

13 MR. KATAEV: Thank you, Your Honor.

14 THE COURT: So, again, I won't hear that you couldn't
15 or that that something else came up. This has to be priority.
16 So, by 2/10, you'll get everything that has been discussed
17 today, which are the supplemental responses that were due on
18 January 12th. And I will not give another extension on that.
19 So be aware.

20 MR. KATAEV: Understood.

21 THE COURT: Okay. And then, the depositions, are we
22 doing the depositions remotely or in person?

23 MS. TROY: We're doing it remotely. Plaintiff
24 intends to depose all Defendants remotely.

25 THE COURT: And what about Defendant?

1 MR. KATAEV: We --

2 THE COURT: Don't worry about the mics, people. You
3 can stand up. You don't need to hurt yourself.

4 MR. KATAEV: Thank you. We would like to depose the
5 Plaintiff in person, Your Honor.

6 THE COURT: Is there any reason why they can't depose
7 your client in person?

8 MS. TROY: No.

9 THE COURT: Okay. So I want your client to agree to
10 a date. Give me a date for your client to be deposed. And
11 let's get that worked out now and it'll be in stone. And then,
12 we'll know where we are. So give him a couple of dates because
13 he has more than one case. What dates can you make your client
14 available?

15 MS. TROY: I'm looking at the dates. Okay, we're
16 available February 6, February 8, 16, 17.

17 THE COURT: Just stop for a second. February 6th or
18 February 8th. Any of those work for you, Mr. Kataev?

19 MR. KATAEV: No, Your Honor.

20 THE COURT: Okay. Keep going. So 6th and 8th don't
21 work.

22 MS. TROY: 16 or 17.

23 MR. KATAEV: I can do 17, but we have to start at
24 9:00 a.m.

25 THE COURT: Is that possible for you and Ms. Stidhum

1 to get there by 9:00 a.m.?

2 MS. TROY: I will confirm with my client. I believe
3 she's traveling from Queens, but I'll confirm.

4 THE COURT: What does that mean you'll confirm?
5 Isn't his office in Queens somewhere?

6 MS. TROY: I think it's in Long Island somewhere, but
7 I might be wrong.

8 MR. KATAEV: We're in Lake Success. We're in Lake
9 Success, Your Honor.

10 THE COURT: It's not far from Queens.

11 MR. KATAEV: It's not far from --

12 MS. TROY: Yeah, so we'll have it confirmed.

13 THE COURT: I'm writing that she's ordered to appear
14 on the 17th at 9:00. You'll get a notice to her.

15 MS. TROY: Yes.

16 THE COURT: Mr. Kataev, that's not going to change,
17 right?

18 MR. KATAEV: No, I'm holding that date.

19 THE COURT: Okay, so Plaintiff's deposition is
20 2/17/23 in Defendant's office. You'll put out the notice of
21 deposition by tomorrow, send it to Ms. Troy?

22 MR. KATAEV: Yes, Your Honor.

23 THE COURT: But I am ordering for your client to
24 appear on that day. Now how many people do you have to
25 schedule, Ms. Troy?

1 MS. TROY: We have three individual Defendants and
2 two corporations, Your Honor.

3 THE COURT: The two corporations --

4 MS. TROY: Sorry, it's four.

5 THE COURT: -- they say is going to be one 30(b)(6)?

6 MR. KATAEV: Yes, Your Honor.

7 MS. TROY: Give me one second, Your Honor.

8 MR. KATAEV: While she's looking for the schedule, I
9 just want to represent to the Court the individual that we are
10 appointing was an employee of both of those entities at
11 separate times, but each during the time that with respect to
12 one of the Defendants that the Plaintiff was an employee there.
13 And so, she is knowledgeable of both dealerships' practices and
14 any any questions in there.

15 There is an issue with the 30(b)(6) notice, but I'll
16 try to work it out with the Plaintiff first.

17 THE COURT: No, we're going to work it out right now
18 on the record.

19 MR. KATAEV: Okay.

20 MS. TROY: Okay, we have four individual Defendants
21 and two corporate Defendants to depose.

22 THE COURT: Who are the four individuals?

23 MS. TROY: The four individuals are Ishaque
24 Thanwalla, Jory Baron, Ronald M. Baron, and Andris Guzman.

25 THE COURT: Okay, so Thanwalla is going to be a full

1 day or no?

2 MS. TROY: Thanwalla's going to be a full day and so
3 is Andris Guzman. Jory Baron and Ron Baron are half days.
4 They can be put in one day.

5 THE COURT: Okay. And then, there's one 30(b)(6) we
6 hear?

7 MS. TROY: Yes, and we can be one day.

8 THE COURT: Okay, so we're talking about one, two,
9 three, four full days that we need to agree on?

10 MS. TROY: Yes, Your Honor.

11 THE COURT: And these all going to be remote
12 depositions. So your clients can be wherever they want to be.
13 They could be at your office or they could be at their own
14 office, as long as you could get them on to -- it's a Zoom
15 deposition, I take it?

16 MS. TROY: Yes, Your Honor.

17 THE COURT: Okay, go ahead. So Thanwalla, Guzman,
18 Baron, and 30(b)(6). I want four or five dates. And then,
19 you'll plug them in to those four or five dates, but you and
20 Ms. Troy will agree today to four or five dates. I think five
21 is safer.

22 I've told her that her client must appear on 2/17.
23 I'm not going to hear a lot of back and forth that you spoke to
24 the Barons, they're not available. You're going to fit them in
25 on the four or five dates we agreed to with Ms. Troy now.

1 MR. KATAEV: Let's do Thursday, March 9th.

2 THE COURT: You can't do something before March? We
3 were doing yours February 17th. There's a whole another week,
4 two weeks in February before March.

5 MR. KATAEV: Let's keep March 9th. I'll do also
6 Tuesday, February 21st.

7 THE COURT: Wait, first, February 21st, is that going
8 to work for you, Ms. Troy?

9 MS. TROY: Yes, Your Honor.

10 THE COURT: Okay, 2/21 is one date. 3/9, will that
11 work for you, Ms. Troy?

12 MS. TROY: Yes, Your Honor.

13 THE COURT: And two more at least?

14 MR. KATAEV: Let's do Friday, February 24th.

15 THE COURT: Will that work for you, Ms. Troy?

16 MR. KATAEV: One moment. Yes, Your Honor.

17 THE COURT: And one more date or two more dates so
18 that she could check with her clients -- so you could check
19 with your clients? And all these dates should be blocked on
20 your calendar now, Ms. Troy.

21 MS. TROY: Yes, Your Honor.

22 MR. KATAEV: Let's do Friday, March 3rd.

23 THE COURT: March 3rd work for you, Ms. Troy?

24 MS. TROY: We can put March 3rd.

25 MR. KATAEV: I guess the final backup date we'll do

1 March 7th.

2 THE COURT: Ms. Troy, will March 7th be an okay date?

3 MS. TROY: No.

4 THE COURT: No. So come up with a different backup.

5 MR. KATAEV: We could do Friday, March 10th.

6 THE COURT: March 10th going to work?

7 MS. TROY: Yes, Your Honor.

8 THE COURT: Okay, so I'm going back and I'm re-
9 reading. So there will be four individuals that are deposed,
10 Thanwalla, Guzman, Baron, and Baron. And there will be a
11 30(b)(6), which would be one person.

12 The Barons' depositions will be held on the same day.
13 So you have to clear that they will both be available on the
14 same day.

15 The date selected that Ms. Troy has approved and Mr.
16 Kataev has proffered are 2/21, 2/24, 3/3, 3/9, and 3/10. Those
17 dates have to be kept open. I will give you until Monday to
18 write a confirming letter, Mr. Kataev, stating -- so Monday is
19 the 6th. Confirm who will be on which dates. And the letter
20 will be sent to Ms. Troy, but you will file it with the Court,
21 confirming the dates.

22 MR. KATAEV: There's one other issue on depositions,
23 Your Honor.

24 THE COURT: Yeah.

25 MR. KATAEV: Ronald M. Baron, we provided declaration

1 from him. I'd like to pull it up on my phone and advise the
2 Court of its contents. We provided this declaration to the
3 Plaintiff.

4 THE COURT: What's the point of you telling me about
5 the declaration before you pull it up?

6 MR. KATAEV: That they should withdraw the notice of
7 deposition for him.

8 THE COURT: And you got this letter, Ms. Troy?

9 MS. TROY: Yes, Your Honor.

10 THE COURT: And you want to tell me why you don't
11 want to withdraw the deposition?

12 MS. TROY: We went over the contents of the affidavit
13 with the Plaintiff. And we disagree with its contents.

14 THE COURT: So --

15 MS. TROY: And we believe we're entitled to depose
16 Ron Baron because even though the paycheck is from one company,
17 she did go to the other car dealership to sell the cars over
18 there as well.

19 MR. KATAEV: I'm just going to -- it's a very brief.

20 THE COURT: I'm not going to decide in your favor.
21 She gets to depose him.

22 MR. KATAEV: Is it okay, Your Honor, if I make a
23 motion on this issue?

24 THE COURT: No.

25 MR. KATAEV: It's an important issue. He had a

1 health condition. He can't appear for this deposition.

2 THE COURT: He's not appearing. He's going to be on
3 video. He's not working because of his health condition?

4 MR. KATAEV: I don't believe he works. I'm not sure
5 that he works, but I know for --

6 THE COURT: Well, don't make a representation to the
7 Court. This is credibility again.

8 MR. KATAEV: I know for a fact that this individual
9 is not involved with hiring, firing, setting wages.

10 THE COURT: It'll be a short deposition. Set him up
11 with a laptop. Tell him how to get online. It'll be a short
12 deposition.

13 MR. KATAEV: I'm just going to put what the issues
14 are, you know, on the table. He's declared under penalty of
15 perjury that he's a Defendant in this case.

16 He writes to -- submits it to his address as lack of
17 involvement in this case in an effort to avoid having to submit
18 to a deposition. He has no membership interest in 161-10
19 Hillside Ave., LLC which is the only entity that employed
20 Plaintiff.

21 He's not an officer of it. He doesn't perform work
22 for it. The entity that he does have a membership
23 interest -- a shareholder's interest in is Hillside Auto Mall,
24 Inc. It's a separate dealership located three blocks away.

25 He's a shareholder of it. Plaintiff was never

1 employed by that dealership. He never hired her. He never
2 fired her.

3 He doesn't have any control concerning her
4 compensation, her working hours, her terms and conditions of
5 employment. He's never even met the Plaintiff once nor in any
6 way interacted with her.

7 THE COURT: What is the proffer of the Plaintiff of
8 why you need this witness?

9 MS. TROY: For two reasons. Number one, even though
10 the Defendant -- the corporation from which the paychecks are
11 issued is 161-40 Hillside Auto Avenue, LLC, Mr. Ron Baron even
12 according to Mr. Kataev's representation, is an owner of the
13 other corporation for which services were performed by Ms.
14 Stidhum.

15 Because cars were sold at other car dealerships. You
16 would go to the other car dealership and sell the cars and
17 therefore -- and I believe it's pled in the complaint. We sued
18 the corporation as joint employers and also and --

19 THE COURT: Assuming that's all correct, what
20 information does he have that he could impart during a
21 deposition that you need to prove her claim of discrimination
22 that he's a part owner of the other -- I get that she may have
23 worked at both, but if he's saying he never met her, and again,
24 you're going to have a 30(b)(6) where you're going to be able
25 to question somebody about the joint ownership or the joint

1 employer theory, why do you need this guy?

2 MS. TROY: Our client disputes that Ron Baron never
3 met her. We did meet with the client over the affidavit and he
4 was the one who promised her an additional bonus, even though
5 she did not meet the 30-car requirement for an additional
6 bonus. And that is related to the pay in and around December
7 of 2018.

8 And that is one month -- roughly one month after the
9 announcement of the pregnancy. So to the effect -- to the
10 extent that that bonus was reflected in the pay, I believe his
11 deposition is important because he was the one like who
12 directly talked with the Plaintiff and offered her that bonus.
13 So that's why we believe that taking his deposition is
14 important. And also --

15 THE COURT: Stop, stop. I'm not granting your motion
16 for a protective order.

17 MR. KATAEV: Your Honor --

18 THE COURT: I am not.

19 MR. KATAEV: You're accepting her presentation that's
20 false. That was Jory Baron that had the conversation with her.
21 My client, Ron Baron, is a 70 year man.

22 November 8th, 2022, he had surgery because he's
23 suffering from a rare bone disease called heterotopic
24 ossification. He's unable to sit for extended periods of time
25 and has an overall lack of mobility. He's 70 years old in

1 March next year.

2 THE COURT: I'm so sorry. I'm 63. That doesn't
3 persuade me he can't sit for a deposition. He could stand up
4 the whole time.

5 And listen, it may be a complete waste of his time,
6 but I don't know who Jory is and I don't know who Ronald is.
7 And I don't know who promised her what. And if she's wrong
8 and --

9 MR. KATAEV: We will seek the maximum relief
10 possible.

11 THE COURT: That's fine.

12 MR. KATAEV: And this a big problem for us.

13 THE COURT: That's fine.

14 MR. KATAEV: Okay.

15 THE COURT: But I can't on your two say-sos relieve
16 you. I could say I would ask you to reconsider and perhaps do
17 the other Baron first.

18 And if that's the person that she remembers, perhaps
19 you can cancel the afternoon because you're scheduling them
20 both on the same day.

21 That doesn't obviate the need for you to prepare your
22 client because if she thinks that this is not the guy who
23 promised me the bonus, it's some other guy, then he's going to
24 have to be produced.

25 And don't come back with he's too sick, he's 70 years

1 old. 70 years old in this courthouse when I have 98-year old
2 colleagues still sitting in on trials is a spring chicken. I
3 don't want to hear it from you about him being too old.

4 MR. KATAEV: Not too old. He can't sit.

5 THE COURT: He doesn't have to sit. How is he
6 living?

7 MR. KATAEV: I don't know.

8 THE COURT: Well, maybe you get a laptop and put it
9 on his bed, so he can lay down while he does his deposition.

10 But whatever it is, don't be bringing this kind of
11 stuff over and over. If you say this is the situation and I
12 say to you I'm sorry, he's going to have to sit because he's a
13 Defendant, try to work with them to get the Jory guy first.

14 If she identifies the Jory guy as the guy she thought
15 she had the conversation with, then I will ask you, Ms. Troy,
16 to relieve this other Baron man of having to sit for his
17 deposition. Do you understand?

18 MS. TROY: I understand, Your Honor.

19 THE COURT: I'm not going to give you more credit for
20 taking more depositions. And as you well know in most of these
21 cases, even if you prevail, the attorneys' fee issue is going
22 to go to the magistrate judge.

23 MS. TROY: I understand, Your Honor.

24 THE COURT: So I don't want you to expand what needs
25 to happen just because I'm telling you that there are five

1 dates that you have to fit everybody into.

2 If the Barons are both put on the same day, put the
3 younger of the two Barons first. If she says that's the guy I
4 spoke to and therefore you no longer need the older Baron, I
5 want you to cancel that deposition.

6 MS. TROY: Yes, Your Honor. We did speak with her
7 recently and my representation is correct.

8 THE COURT: I understand you spoke to her recently,
9 but she might see a face and it may trigger a memory.

10 MS. TROY: Okay.

11 THE COURT: Anything else that we need to deal with?
12 The 30(b)(6) notices, what are the topics? And what can we do
13 to narrow it down so that we know what we're doing?

14 MR. KATAEV: There's one other issue while I pull up
15 30(b)(6), Your Honor. We have outstanding discovery demands
16 that have not been responded to by the Plaintiff.

17 THE COURT: And what are those demands?

18 MR. KATAEV: Document requests and interrogatories.

19 THE COURT: And when were those made?

20 MR. KATAEV: December, late December. They were due
21 I believe on January 24th, the responses.

22 THE COURT: And what's going on with that, Ms. Troy?

23 MS. TROY: Your Honor, we will provide by the
24 February -- I believe February 10, the same date that, you
25 know, Mr. Kataev has to provide his supplemental responses.

1 THE COURT: That's what I like to hear, right? So
2 both sides are going to produce the outstanding requests by
3 2/10. And I'm not going to get a request to extend it. And
4 they're going to be signed by the individuals that they need to
5 be signed by. And I'm not going to keep hearing the same thing
6 over and over, okay?

7 Now the 30(b)(6) notice.

8 MS. TROY: Yes, Your Honor, we usually attach with a
9 notice and I believe we actually did attach with the notice,
10 the EBT notice, a list of things that the corporate rep needs
11 to be knowledgeable about.

12 And because this is a pregnancy discrimination claim,
13 the stuff that the person will need to be knowledgeable about
14 is about the base pay, about the commission because the
15 allegation is relating to the change in pay as a result of the
16 pregnancy announcement, as well as the employment policy in
17 place at the two corporate Defendants essentially to sum it up.

18 But we did provide I believe written and I'm checking
19 now in the EBT notice itself a list of things that the corp
20 rep. needs be to knowledgeable about.

21 MR. KATAEV: I mean, that's not the issue, Your
22 Honor. I need to point out the specific items raised in there,
23 which I think are going to give the Court pause. I think I
24 found it.

25 THE COURT: You have that big binder of paper, Mr.

1 Kataev. Paper never fails you?

2 MR. KATAEV: Everything in the court docket, which
3 the deposition notices. Forgive me. Okay, I think this
4 is -- still won't load for some reason. Okay, yeah. It's part
5 of a huge chain and I can't get to the beginning of it. I
6 don't know what's going on.

7 THE COURT: Why don't you tell me in a nutshell what
8 it is you're trying to --

9 MR. KATAEV: It had items in there such as the
10 dealerships assets, how much cash it has in its bank accounts,
11 all these things that are completely irrelevant.

12 There's been no liability established. I'd just like
13 to have an opportunity to submit a letter after meeting and
14 conferring with the Plaintiff if we can come to a reasonable --

15 THE COURT: Well, this is what I will say. We've
16 made some progress today. We have to extend the time to
17 complete discovery because that was something that was left to
18 do by Judge Mann.

19 She had extended discovery till January 27th. And
20 any request for a pre-motion conference was due by February
21 10th.

22 So we need to extend discovery so you could get
23 through these depositions. But after the exchanges of the
24 outstanding paper discovery that will be on 2/10/23, there
25 won't be any further paper discovery.

1 I'm not going Round 3 and 4 with you guys. You get
2 to do the depositions. And those will run through March 10th,
3 but I'm not letting you re-serve more requests.

4 As far as the financials of the auto houses that
5 you're bringing this case against, what's the relevance of
6 somebody having to speak to what's currently in the bank? What
7 does that have to do with Ms. Stidhum's claim that she was
8 discriminated against based on her pregnancy?

9 MS. TROY: I'm looking at the schedule of the things
10 that the corporate witness needs to be knowledgeable about.

11 THE COURT: Yes, that's what Mr. --

12 MS. TROY: And I don't --

13 THE COURT: -- Mr. Kataev was trying to find on his
14 phone. So it would have been good --

15 MS. TROY: I don't see any bank records.

16 THE COURT: Could you do me very big favor, and I
17 know that this is a lot, but can you let him look on screen so
18 if he's trying to point something out to me, I'm not having him
19 just scroll through this phone?

20 If you put it sort of to the corner of the table,
21 then that would be very much appreciated. Thank you.

22 MR. KATAEV: Number two, information regarding the
23 income, expenses, and revenue of the dealership.

24 THE COURT: Why is that relevant to this dispute?

25 MS. TROY: The document that was produced does not

1 reflect the true income of revenue of Hillside Auto. And it's
2 relevant because they're pointing to the paperwork and saying
3 that's how many cars that were sold, not only by the -- Ms.
4 Stidhum, but by the dealership, but that's not true. And --

5 THE COURT: I don't know why their balance sheet is
6 relevant to whether they discriminated against her. I
7 understand that we need somebody to testify as to how they paid
8 and how they determined who was paid these bonuses.

9 But you understand that they don't want to be
10 testifying about things that are as of today what's in your
11 bank account? I don't see why that's relevant to this claim.

12 MS. TROY: I don't think that -- I don't know what's
13 just read is how much money that was --

14 THE COURT: She resigned in January of 2019. That is
15 the relevant time period. Unless there's some reason why they
16 need to testify as to their finances now, which you haven't
17 told me what that would be, I'm not going to require them to be
18 prepared on that subject.

19 MR. KATAEV: Including accounting and bookkeeping?

20 THE COURT: Well, again, I think what is relevant as
21 set forth in Judge Gonzalez's order is that there was a formula
22 for how Ms. Stidhum got paid and how they awarded bonuses and
23 how things were calculated.

24 But again, since she resigned in January of 2019,
25 whatever they have in the bank in 2023 is not relevant to this

1 dispute.

2 MS. TROY: Yes, Your Honor.

3 THE COURT: Go ahead. What else do we have?

4 MR. KATAEV: Locations of electronically stored
5 information, I think that the discovery in this case is unduly
6 burdensome given the low value of this case.

7 THE COURT: No, I would not say that, but again, if
8 they didn't request e-discovery already since I've said that
9 all paper discovery is over, I don't know what the point would
10 be unless you failed to produce something that they've
11 previously requested. Is that it?

12 MR. KATAEV: That's all I have, Your Honor.

13 MS. TROY: Our position is that in fact they did fail
14 to produce a lot of the documents, including the text messages
15 and emails and communications, correspondences relating to Ms.
16 Stidhum as well as to the pregnancy discrimination claim.

17 THE COURT: And how are you going to establish that
18 by this witness' testimony?

19 MS. TROY: What I'm trying to say, to backtrack just
20 one moment, Your Honor is that the document, the supplemental
21 responses that were originally due January 12th, that is now
22 due February 10, we anticipate that there should be documents
23 that are relating to the text message and correspondences to
24 the extent that Defendants failed to provide, you know, those
25 documents, you know, I think it -- we should be able.

1 THE COURT: Were there initial interrogatories asking
2 about how these documents are kept and was there an electronic
3 discovery stipulation between the parties about how you were
4 going to gather those documents?

5 Because again, talking about emails is separate and
6 apart from the text messages. Text messages generally are on
7 phones and don't get backed up to servers.

8 So I don't know what it is you're precisely saying
9 that you know exists, or who had those things or should have
10 had those things, according to other discovery you've done, but
11 don't be throwing out these, you know, smoke bombs of like they
12 should have electronic communications.

13 If you specifically requested from a witness and you
14 believe that you have the other side of that electronic
15 communication to prove that there was an electronic
16 communication, that's a different story.

17 But saying that they should have provided texts, I
18 don't know what requests were made. I don't know whether or
19 not these are individual phones you're asking them to look on.
20 I don't know if you're asking did they preserve email regarding
21 Ms. Stidhum. I don't know what's been requested.

22 So I'm telling you both now there's no constitutional
23 right to do discovery. I am putting an end to it, but if
24 you're stonewalling, that's going to re-open this matter.

25 So don't stonewall each other. Respond, give the

1 information. Don't be telling me just because of the low value
2 of the case you don't have to turn over information. That's
3 not going to work. That's not what the Rules say.

4 The Rules are not saying how much discovery is done.
5 It says it has to be proportional. So, again, don't try to
6 throw a smoke bomb here. Both sides have to live up to their
7 obligations.

8 I've come up with dates for the depositions. The
9 supplemental responses are due to each other signed by the
10 parties, who they need to be signed by February 10th.

11 Don't make me do this again. I will not be patient
12 again, okay? The Plaintiff's deposition shall be at starting
13 at 9:00 in -- on February 17th in Defendant's office in Lake
14 Success. Tell her no ifs, ands or buts. This is where she has
15 to be at that day. Prepare her.

16 The four individuals, Thanwalla, Guzman, Baron, and
17 Baron will be deposed. We have five dates 2/21, 2/24, 3/9, and
18 3/3 and 3/10. And four of those dates will be taken.

19 The younger Baron will go first. If the older Baron
20 isn't necessary, Plaintiff should indicate that and relieve
21 him.

22 He should be accommodated, all of their depositions
23 are being taken remotely. So if he can't do it from home, let
24 him come to your office, let him stand up and do it. I don't
25 know what his health condition is, but I'm not relieving him of

1 his responsibility. He's a named Defendant.

2 MR. KATAEV: Understood.

3 THE COURT: Was there anything else today, Ms. Troy,
4 before we adjourn?

5 MS. TROY: Yes, Your Honor. So if during the
6 deposition we request for documents, that's not allowed, right?

7 THE COURT: No.

8 MS. TROY: Right.

9 THE COURT: The only thing is if they refer that
10 there was a document during their deposition that they were
11 relying on, but it hasn't been produced, then you could ask
12 them to produce something that they say they were relying on in
13 their testimony.

14 But no, there are no follow-up requests after the
15 depositions. I'm closing out discovery. The last deposition
16 is 3/10.

17 I understand you're going to have to get the
18 transcripts. So I'll say discovery will close by 3/24. And
19 any pre-motion conference request will be made by April 10th,
20 4/10/23 in accordance with Judge Gonzalez's rules.

21 Please take back to your firm that there has been
22 olive branch or what they say was an olive branch extended that
23 if you withdraw your motion, they'll withdraw their motion from
24 the circuit. This has nothing to do with what's in the
25 District Court.

1 Of course if you withdraw the motion, you should
2 quickly do it because you also have a pending motion here for
3 reconsideration on an interlocutory appeal, which I do not
4 think is going to be successful.

5 MR. KATAEV: Understood. We'll wait for their
6 response.

7 THE COURT: So get back to him, Ms. Troy. Try to get
8 back to -- by today is the 1st, by Friday. Is that something
9 you can do?

10 MS. TROY: We're willing to withdraw the motion to
11 dismiss.

12 THE COURT: No, the motion for sanctions in the
13 circuit?

14 MS. TROY: It's the motion to dismiss and motion to
15 sanctions is one document. We're willing to withdraw that
16 motion if they withdraw that appeal.

17 MR. KATAEV: I'll have the withdrawals done by -- I
18 have a deposition tomorrow. I'll try to do it tonight.

19 THE COURT: Do it tonight. I think that would
20 be -- go a long way in the circuit. And then if they're
21 withdrawing their sanctions motion, which she's just put on the
22 record and she knows what that means, that you could also
23 withdraw your request from Judge Gonzalez, okay?

24 MR. KATAEV: I think just two more things on my end?

25 THE COURT: Yes.

1 MR. KATAEV: I'm apologizing to Ms. Troy for raising
2 my voice. I deny that I said anything about her father
3 specifically, just the firm unless it was --.

4 THE COURT: The firm is close for her. It bears her
5 and her father's name. But Ms. Troy, I take him at his word
6 that he understands he was out of bounds. Okay, and accepting
7 people's apologies are important, too, okay?

8 MS. TROY: I understand, Your Honor.

9 MR. KATAEV: And I only want to remark that I think
10 at least myself has a lot to learn about patient from this
11 Court.

12 THE COURT: Well, again, I want you to get yourselves
13 out of the center of the frame here and reframe this case about
14 your clients.

15 And as frustrating as it may be sometimes to be a
16 lawyer, you are putting yourselves in the wrong part of this
17 case. This case about your clients.

18 And when you have so much going on with the other
19 side, you can't even see straight. And that's not good for
20 your client.

21 So take yourself out of that equation and try to
22 focus on the best interests of your client. I would again say
23 that you should approach your client about putting this to bed.
24 He didn't say that the number that Judge Mann had said would be
25 the last number that they would give. He actually said today

1 that they would go a number that maybe your client would want
2 to know about. I don't know what her situation is.

3 Hopefully, she has a healthy child. But again,
4 waiting till the end of the case does not always make sense.
5 Sometimes getting a case resolved on consent and putting a, you
6 know, a bad incident behind somebody goes a long way towards
7 helping them in their life.

8 So reconsider what he said here today. I appreciate
9 that you'll withdraw both of your motions that are pending
10 before the Circuit. I think that is a showing of good faith
11 and starting over again. I wish you good luck. Please keep
12 all these dates. They're going to be in my order. They're
13 court-ordered depositions.

14 Send out your deposition notice so that judge,
15 judge -- so that Ms. Troy has the address that Ms. Stidhum must
16 be at 9:00 on that date. And everybody's banking on these
17 dates once they're confirmed. And you're telling me by Monday
18 what dates your clients are confirmed, okay?

19 MR. KATAEV: Understood.

20 THE COURT: With that, we adjourned. Thank you very
21 much.

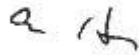
22 MR. KATAEV: Thank you, Your Honor.

23 MS. TROY: Thank you, Your Honor.

24 (Proceedings concluded at 4:35 p.m.)
25

CERTIFICATE

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

March 7, 2023

Chris Hwang

Date

Court Reporter